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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201022
Party	Defendant POLO LINE, INC.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BHPC ASSOCIATES LLC,)	
Opposer,)	Opposition No. 91201022
)	
v.)	Application Serial No. 85/258339
)	
POLO LINE, INC.)	Mark:
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

The following is the Answer of Applicant, POLO LINE, INC. (“Applicant”), owner of Federal Trademark Application Serial No. 85258339 for the mark WORLD POLO TOUR, WPT & design depicted above (“Applicant’s Design Mark”), by and through Counsel, GRANADOS, PA, to the Notice of Opposition filed on the fifth day of August, 2011 by BHPC Associates LLC (“Opposers”), and assigned Opposition No. 91201022.

Applicant hereby responds, solely for the purpose of this proceeding, to each of the grounds set forth in the Notice of Opposition, with the following numbered paragraphs and headings corresponding to the numbered paragraphs and headings of the Notice of Opposition, as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the veracity of the allegations in Paragraph 1 and therefore denies the same.

2. Applicant is without knowledge or information sufficient to form a belief as to the veracity of the allegations in Paragraph 2 and therefore denies the same.

3. Applicant admits to the extent the records of the United States Patent and Trademark Office and Trademark Trial and Appeal Board substantiate that Opposer is the owner of Registration No.’s 1429311, 1751058, 2091892, 2181220 and 2214846. Applicant is without knowledge or information sufficient to form a belief as to the veracity of the remaining allegations in Paragraph 3 and therefore denies the same.

4. Applicant admits to the extent the records of the United States Patent and Trademark Office and Trademark Trial and Appeal Board substantiate that Opposer is the owner of Registration No.'s 1429311, 1751058, 2091892, 2181220 and 2214846. Applicant is without knowledge or information sufficient to form a belief as to the veracity of the remaining allegations in Paragraph 4 and therefore denies the same.

5. Applicant admits the allegations of Paragraph 5.

6. Applicant admits the allegations of Paragraph 6, except that it denies any implication that Applicant was required to seek Opposer's authorization to use or register the mark of Application Serial No. 85258339.

COUNT I: Priority and Likelihood of Confusion

7. Applicant admits or denies the allegations contained in paragraphs 1 through 6 as stated above in the corresponding paragraphs.

8. Applicant admits the allegations in Paragraph 8.

9. Applicant admits that Opposer's BEVERLY HILLS POLO CLUB and Applicant's Design Mark both include the word "Polo" and an image of a polo player, with the polo player image situated above the word "Polo". Applicant denies that Opposer's BEVERLY HILLS POLO CLUB and Applicant's Mark are the same or similar in appearance, sound, meaning and commercial impression. Applicant further denies that both marks include virtually identical polo player images arranged in a similar manner.

10. Applicant denies the allegations in Paragraph 10.

11. Applicant denies the allegations in Paragraph 11.

12. Applicant denies the allegations in Paragraph 12.

FURTHERMORE, Applicant sets forth the following in support of its defense:

13. Upon information and belief, Opposer's mark is not famous.

14. Upon information and belief, users of Applicant's goods and services are sophisticated consumers.

15. Upon information and belief, purchasers and users of Opposer's goods are sophisticated consumers.

16. Upon information and belief, the commercial activities of Opposer and Applicant are not commercially related.

17. Applicant's Design Mark and Opposer's mark are different in appearance.

18. Applicant's Design Mark and Opposer's mark are different in sound.

19. Applicant's Design Mark and Opposer's mark are different in meaning.

20. Applicant's Design Mark and Opposer's mark have very different commercial impressions.

21. Applicant's Design Mark and Opposer's mark are not likely to give rise to the mistaken belief that they originate from the same source.

22. Applicant's Design Mark and Opposer's mark are not likely to cause confusion or mistake or to deceive and mislead the trade and the purchasing public into believing that Applicant's services are the services of Opposer, or that Applicant or its services are authorized, licensed or controlled by Opposer, or that Applicant is affiliated with or in some way related to Opposer.

23. Though Opposer's mark includes the word "Polo" and the image of a polo player, Opposer's mark is used exclusively to identify a variety of products (apparel, accessories, perfume, gels and lotions) unrelated to the actual sport of polo. Conversely, Applicant's Design Mark is used to identify services and products related to the sport of polo.

24. The image of a polo player on horseback raising a mallet to swing has been used repeatedly in other trademarks related to the sport of polo. Even in the context of the type of products Opposer offers under its mark, other trademarks exist that utilize a polo player on horseback with a mallet raised in conjunction with the word Polo. Examples of such trademarks are attached hereto and made a part hereof as Exhibit A.

25. Applicant has failed to adequately maintain, police, or enforce any trademark or proprietary rights it may have in its alleged trademarks.

Applicant hereby appoints Augusto Granados, a member of the Florida Bar at the firm of GRANADOS, PA, 210 Sea View Drive, Suite 303, Key Biscayne, FL 33149, TEL: (305) 951-5477, FAX: (206) 338-1717; to act as attorney in the matter of the opposition identified above, to prosecute said opposition, to transact all business in the Patent and Trademark Office, and in the United States courts connected with the opposition, to sign its name to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

WHEREFORE, Applicant respectfully requests that the Trademark Trial and Appeal Board reject the Opposition and permit registration of Applicant's proposed mark in Application Serial Number 85258339 in the United States Patent and Trademark Office.

A duplicate copy of this Answer to Notice of Opposition has been sent via First Class Mail to counsel for Opposer on September 13, 2011.

Respectfully Submitted,



Augusto Granados

Attorney for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Answer to Notice of Opposition were served by First Class Mail with the United States Postal Service, with sufficient postage paid, on this 13th day of September, 2011, upon Counsel for Opposer at the following address:

Robert L. Epstein
Epstein Drangel LLP
60 East 42nd Street, Suite 2410
New York, NY 10165


Augusto Granados

EXHIBIT A



POLO
Ralph Lauren

Serial Number: 77883516 **Registration Number:** 3810821

International Class: 003

Class Status: Active

eau de toilette and after shave

Basis: 1(a)

First Use Date: 1993-00-00

First Use in Commerce Date: 1993-00-00



Serial Number: 78756184 **Registration Number:** 3399683

International Class: 033

Class Status: Active

wines

Basis: 1(a)

First Use Date: 2005-10-31

First Use in Commerce Date: 2006-05-31



Serial Number: 77660964

International Class: 025

Class Status: Active

Coats; Footwear for men; Hats; Jackets; Men's suits; Pants; Rain coats; Shirts; Shorts; Socks; Sport shirts; Sweat shirts; Sweaters; T-shirts; Ties; Trousers; Vests

Basis: 1(b)

First Use Date: 2008-09-17

First Use in Commerce Date: 2011-04-07

No opposition - statement of use required



Serial Number: 79012836 **Registration Number:** 3312709

International Class: 025

Class Status: Active

Ready-made clothing for men, women and children, namely, knitwear, namely, t-shirts, pullovers, polo shirts, sweaters and vests, hosiery, lingerie, underwear, pyjamas, dressing gowns, peignoirs, sweaters, skirts, dresses, briefs, trousers, jackets, coats, furs, Halloween costumes, shirts, layettes, ties, shawls, foulards, stoles, scarves, belts, gloves, wooly hats, headwear, caps, socks, stockings, tights, footwear not including orthopedic footwear, boot liners, slippers, boots, swimming costumes, shorts and waterproof jackets and pants

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 028

Class Status: Active

Games and toys, namely, game tables, playing cards, disposable tickets for playing games of chance; parlor games for adults and children; gymnastic equipment and sporting articles, namely, springboards, parallel bars, and balance beams; hand-held units for playing electronic games

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 041

Class Status: Active

Educational services, namely, providing training workshops and seminars relating to the field of polo sport; organizing community sporting and cultural events; production of motion picture films; production of radio and television programs

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)



Serial Number: 85133853

International Class: 041

Class Status: Active

Entertainment services, namely, on-going television and radio programs in the field of polo; entertainment services, namely, production and distribution of sports and sports-related television, radio, cable and Internet programs; providing a website featuring news and information on the sport of polo; entertainment services in the nature of live shows in the field of polo sport; entertainment services, namely, conducting competitions and tournaments in the field of polo

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

No opposition – statement of use required



Serial Number: 77450495 **Registration Number:** 3659041

International Class: 041

Class Status: Active

entertainment services, namely, on-going television and radio programs in the field of polo; entertainment services, namely, production and distribution of sports and sports-related television, radio, cable and Internet programs; providing a website featuring polo news and information; entertainment services in the nature of live shows in the field of polo sport; conducting competitions and tournaments in the field of polo

Basis: 1(a)

First Use Date: 2008-09-01

First Use in Commerce Date: 2008-09-01



Serial Number: 77335205 **Registration Number:** 3627954

International Class: 041

Class Status: Active

entertainment services, namely, on-going television and radio programs in the field of polo; entertainment services, namely, production and distribution of sports and sports-related television, radio, cable and Internet programs; providing a website featuring polo news and information; entertainment services in the nature of live shows in the field of polo sport; conducting competitions and tournaments in the field of polo

Basis: 1(a)

First Use Date: 2007-10-01

First Use in Commerce Date: 2007-10-01



Serial Number: 77140966 **Registration Number:** 3434264

International Class: 035

Class Status: Active

promoting the interests of member polo teams, scheduling tournaments, and promoting interest in polo

Basis: 1(a)

First Use Date: 2007-03-09

First Use in Commerce Date: 2007-03-09



Serial Number: 77140965 **Registration Number:** 3481526

International Class: 041

Class Status: Active

entertainment services, namely, on-going television and radio programs in the field of polo; entertainment services, namely, production of sports and sports related programs and distribution by means of television broadcasting, cable transmission, satellite transmission, and via the Internet; providing a web site featuring polo news and information

Basis: 1(a)

First Use Date: 2007-03-09

First Use in Commerce Date: 2007-03-09



Serial Number: 77136991 **Registration Number:** 3481504

International Class: 025

Class Status: Active

Belts; Golf shirts; Pajamas; Shirts; T-shirts; Jackets; Pants; Footwear; Shorts; Socks; Sweat pants; Sweat shirts; Sweat shorts; Sweaters; Ties; Scarves; Vests; Suspenders; Gloves; Headgear, namely, caps; hats; headbands

Basis: 1(a)

First Use Date: 2007-03-09

First Use in Commerce Date: 2007-03-09



Serial Number: 77056457 **Registration Number:** 3854084

International Class: 041

Class Status: Active

Country clubs; Golf club services; Health club services, namely, providing instruction and equipment in the field of physical exercise; Night clubs; Polo club services; Yacht clubs

Basis: 1(a)

First Use Date: 2008-11-12

First Use in Commerce Date: 2008-11-12



Serial Number: 78980858 **Registration Number:** 3740106

International Class: 014

Class Status: Active

Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals, namely, ashtrays, badges, blazer buttons, cigar and cigarette boxes, buckles for clothing, candlesticks, cosmetic powder compacts, cuff links, desktop ornaments, figurines, goblets, jewelry boxes, key chains, key rings, medals, perfume flasks, perfume sprayers, picture frames, rings, trinkets and trophies

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 018

Class Status: Active

Leather goods and imitation leather goods, namely, leather and imitation leather bags, briefcases, credit card holders, key cases, leashes for animals, cases, portfolios, purses, traveling suitcases, wallets, sports bags, straps and traveling bags; articles of luggage; athletic bags, shopping bags made of skin, beach bags, cosmetic bags sold empty, diaper bags, duffel bags, garment bags for travel, gym bags, makeup bags sold empty, overnight bags, school bags, school book bags, shoulder bags, suit bags, tote bags, travel bags and umbrella bags; trunks, holdalls, handbags, wallets, purses, briefcases, suitcases, rucksacks, carry all bags and carry-on bags; umbrellas, parasols and walking sticks; whips, harnesses and saddlery

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)



Serial Number: 78977703 **Registration Number:** 3199839

International Class: 025

Class Status: Active

WEARING APPAREL, NAMELY, JACKETS, SWEATSHIRTS, SWEAT PANTS, HATS, SCARVES, JERSEYS, JEANS, TURTLENECKS AND BIKINIS

Basis: 1(a)

First Use Date: 2001-03-01

First Use in Commerce Date: 2001-03-01



Serial Number: 78979348 **Registration Number:** 3370932

International Class: 025

Class Status: Active

Clothing for ladies and children, namely, polo shirts, t-shirts, outerwear, namely, coats, and jackets, socks, sweaters, blouses and shirts; footwear

Basis: 1(a)

First Use Date: 2006-06-09

First Use in Commerce Date: 2006-06-09



Serial Number: 77792755 **Registration Number:** 3760812

International Class: 018

Class Status: Active

luggage and travel bags or travelling bags

Basis: 1(a)

First Use Date: 2007-06-13

First Use in Commerce Date: 2007-06-13



Serial Number: 77768718 **Registration Number:** 3852212

International Class: 041

Class Status: Active

entertainment services, namely, organizing and conducting polo tournaments

Basis: 1(a)

First Use Date: 2007-12-31

First Use in Commerce Date: 2007-12-31



Serial Number: 77567644 **Registration Number:** 3656984

International Class: 033

Class Status: Active

Wine

Basis: 1(a)

First Use Date: 2008-07-01

First Use in Commerce Date: 2008-07-01



Serial Number: 77090713 **Registration Number:** 3306101

International Class: 025

Class Status: Active

Clothing, namely, knit shirts, polo shirts, sweaters, shirts, t-shirts, hats, swimwear, pants, jackets, belts, ties, footwear, socks; outerwear, namely, coats, sport coats, raincoats

Basis: 1(a)

First Use Date: 1967-12-00

First Use in Commerce Date: 1967-12-00



Serial Number: 75057171 **Registration Number:** 2077082

International Class: 018

Class Status: Active

grooming kits sold empty, tie cases, coin purses, drawstring pouches, wallets and key cases

Basis: 1(a)

First Use Date: 1975-12-30

First Use in Commerce Date: 1975-12-30



Serial Number: 74616645 **Registration Number:** 2018249

International Class: 016

Class Status: Active

pens

Basis: 1(a)

First Use Date: 1996-01-02

First Use in Commerce Date: 1996-01-02



Serial Number: 74343147 **Registration Number:** 1828875

International Class: 016

Class Status: Active

trading cards dealing with polo

Basis: 1(a)

First Use Date: 1993-07-00

First Use in Commerce Date: 1993-07-00



Serial Number: 74247042 **Registration Number:** 1819237

International Class: 041

Class Status: Active

polo club services

Basis: 1(a)

First Use Date: 1991-06-03

First Use in Commerce Date: 1992-02-06



Serial Number: 71079546 **Registration Number:** 101340

U.S. Class: 039 (International Class 025)

Class Status: Active

LADIES' COATS AND SUITS

Basis: 1(a)

First Use Date: 1914-06-01

First Use in Commerce Date: 1914-06-01
